

## Message Text

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SUBJECT: W/W ARRESTS: AMERICANS IMPRISONED IN PERU

REF: STATE 171712

PART I -- OVERALL REVIEW OF JUDICIAL PROCESSES IN PERU

### A. PERUVIAN JUDICIAL SYSTEM

1. THE PERUVIAN JUDICIAL SYSTEM IS BASED ON THE NAPOLEONIC CODE. SINCE ALL AMERICAN PRISONERS PRESENTLY IN PERU HAVE BEEN DETAINED ON DRUG-RELATED CHARGES, THE FOLLOWING EXPLANATION OF POLICE AND JUDICIAL PROCEDURES IS ADDRESSED PRIMARILY TO THE HANDLING OF THAT KIND OF CASE.

2. THERE IS NO INSTITUTIONALIZED PROCEDURE IN PERU TO INSURE THAT THE EMBASSY IS NOTIFIED WHEN AN AMERICAN IS ARRESTED. AS PERU HAS NOT RATIFIED THE VIENNA CONSULAR CONVENTION AND AS THERE EXISTS NO BILATERAL CONSULAR TREATY BETWEEN THE UNITED STATES AND PERU, THERE ARE NO FORMAL REQUIREMENTS FOR EARLY NOTIFICATION BY PERUVIAN OFFICIALS. OFTEN CONSULAR OFFICERS LEARN ABOUT THE DETENTION OF AN AMERICAN CITIZEN THROUGH FRIENDS OR INTERESTED BYSTANDERS, NEWS MEDIA, OR FROM UNITED STATES DRUG ENFORCEMENT AGENCY REPRESENTATIVES WHO ARE USUALLY NOTIFIED BY THE

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PERUVIAN POLICE WHEN SUCH AN ARREST TAKES PLACE. THE AMBASSADOR AND VARIOUS OTHER OFFICERS OF THE EMBASSY HAVE FREQUENTLY APPROACHED PERUVIAN OFFICIALS AT ALL LEVELS REGARDING THIS PROBLEM OF CONSULAR NOTIFICATION. AMONG OTHERS, THE CHIEFS OF THE INVESTIGATIONS POLICE AND PERU'S UNIFORMED POLICE (GUARDIA CIVIL), THE MINISTER OF THE INTERIOR, AND THE SECRETARY GENERAL OF THE MINISTRY OF

FOREIGN RELATIONS HAVE BEEN APPROACHED. ALL HAVE BEEN SYMPATHETIC AND PROMISED FULL COOPERATION. IT IS, HOWEVER, DIFFICULT TO ASSURE ACTION AT THE LEVEL OF THE ARRESTING OFFICER, WHO IS USUALLY VERY SUSPICIOUS OF WHAT HE CONSIDERS TO BE INTERFERENCE IN POLICE BUSINESS, AND DELAYS OF ONE TO FOUR DAYS ARE NOT UNCOMMON BEFORE AN ARREST COMES TO THE EMBASSY'S ATTENTION.

3. CONSULAR OFFICERS REQUEST ACCESS TO THE PRISONER AS SOON AS NEWS OF DETENTION HAS BEEN RECEIVED. PROMPT ACCESS IS USUALLY ALLOWED, ALTHOUGH THERE HAVE BEEN DELAYS OCCASIONED BY THE PHYSICAL LOCATION OF THE DETAINEE (HELD IN A REMOTE OR PROVINCIAL POLICE STATION) OR BUREAUCRATIC RED TAPE (PERMISSION MUST USUALLY BE GRANTED BY A SENIOR INVESTIGATING OFFICER). IT IS WORTHY OF NOTE THAT REVISIONS OF PERUVIAN LAW CURRENTLY UNDER CONSIDERATION REGARDING NARCOTICS INVESTIGATIONS PROVIDE FOR DETENTION OF A SUSPECT FOR UP TO 15 DAYS WITHOUT ACCESS TO FAMILY, FRIENDS OR LAWYERS. AS SOON AS A CONSULAR OFFICER OR MEMBER OF THE CONSULAR SECTION STAFF OBTAINS ACCESS TO THE PRISONER, HIS PHYSICAL STATE IS VERIFIED, HE IS GIVEN A LIST OF LAWYERS, AND OTHER ASSISTANCE WHICH SEEMS APPROPRIATE IS PROVIDED. A PROMPT REPORT IS MADE TO THE DEPARTMENT OF STATE AND, IF THE PRISONER AGREES, TO HIS FAMILY.

4. AFTER THE PRELIMINARY ARREST STAGE (1-15 DAYS) IN WHICH  
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THE POLICE DECIDE WHETHER EVIDENCE THEY HAVE GATHERED WARRANTS CONTINUED PROSECUTION, THE CASE MUST BE REFERRED TO A JUDGE WHO DECIDES WHETHER SUFFICIENT AVAILABLE EVIDENCE EXISTS TO WARRANT FURTHER INVESTIGATION, ARRAIGNMENT AND TRIAL. THIS INVESTIGATIVE PRE-TRIAL STAGE MAY LAST AS LONG AS SIX MONTHS, ACCORDING TO LAW, AND MAY BE EXTENDED MONTH-BY-MONTH BEYOND THAT TIME AT THE PETITION OF JUDICIAL AUTHORITIES. DUE TO EXTREME OVERCROWDING OF COURT DOCKETS, THE ACTUAL TRIAL BEFORE A PANEL OF THREE JUDGES MAY BE DELAYED A YEAR OR MORE AFTER INITIAL ARREST. THERE ARE NO BAIL/BOND PROVISIONS IN PERUVIAN LAW FOR CRIMINAL CHARGES AND "PROVISIONAL LIBERTY", OFTEN GRANTED IN OTHER CRIMINAL CASES, IS SPECIFICALLY DENIED IN THE LAW ON NARCOTICS TRAFFICKING.

5. THE EMBASSY HAS INVESTIGATED ALLEGATIONS OF DISCRIMINATION AGAINST AMERICANS INVOLVING THE LENGTH OF THE PRE-TRIAL INVESTIGATIVE PERIOD BUT HAS NOT BEEN ABLE TO VERIFY THAT SUCH DISCRIMINATION EXISTS. IN CASES WHERE IT APPEARS THAT JUDICIAL PROCEEDINGS HAVE DRAGGED ON FOR AN INORDINATE LENGTH OF TIME, EVEN BEYOND THE USUAL SLOWNESS OF THE SYSTEM, THE JUDGES INVOLVED IN HEARING THE TRIAL ARE APPROACHED BY CONSULAR OFFICERS, AS IS THE PRESIDENT OF THE COURT, WITH

A VIEW TOWARD URGING THEM TO ACCELERATE HEARINGS. THE PRESIDENT OF THE SUPREME COURT RECENTLY EXPLAINED TO A CONSULAR OFFICER DURING ONE SUCH APPROACH THAT 14 JUDGES AT THAT LEVEL ARE ATTEMPTING TO HANDLE A WORKLOAD THAT WOULD NORMALLY REQUIRE 40 JUDGES.

6. VERDICTS IN THE SUPERIOR COURTS ON DRUG CASES, WHETHER GUILTY OR NOT GUILTY, ARE AUTOMATICALLY APPEALED BY THE PROSECUTOR TO THE SUPREME COURT. THE SUPREME COURT MAY CONFIRM THE VERDICT AS IT STANDS, INCREASE THE SENTENCE IN GUILTY VERDICTS, OR, IF IT FINDS IRREGULARITIES, RETURN THE CASE TO THE LOWER COURTS FOR FURTHER STUDY OR RETRIAL. THE LATTER PRACTICE HAS BEEN INCREASINGLY FREQUENT OF LATE, APPARENTLY REFLECTING HIGHER STANDARDS BY THE SUPREME COURT BUT ALSO UNCLASSIFIED

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PROLONGING THE JUDICIAL PROCESS FOR MANY PRISONERS.

7. TIME SPENT IN DETENTION DURING JUDICIAL PROCEEDINGS IS COUNTED AS TIME SERVED AGAINST THE FINAL SENTENCE. EVEN WHEN TIME IS FULLY SERVED ON A SENTENCE AND THE PRISONER IS RELEASED, HOWEVER, HE MAY NOT BE FREE TO LEAVE PERU IF JUDICIAL REVIEWS ARE STILL PENDING. THERE ARE RECENT INDICATIONS THAT IF DECLARED NOT FREE TO LEAVE THE COUNTRY PENDING JUDICIAL REVIEW OF A DRUG CASE, THE PRISONER MAY CONTINUE IN DETENTION UNTIL THE COURTS DECLARE HIM LEGALLY FREE TO DEPART. THE PRECISE LEGAL AUTHORITY FOR SUCH DETENTION IS UNCLEAR AND IS THE SUBJECT OF CONTINUING INVESTIGATION BY THE EMBASSY.

#### B. PRISON CONDITIONS

1. CONDITIONS AT THE OFFICES OF THE NARCOTICS DIVISION OF THE PERUVIAN INVESTIGATIONS POLICE (PIP) WHERE MEN ARE HELD DURING THE POLICE INVESTIGATIVE PERIOD ARE TOTALLY INADEQUATE. FOOD MAY BE PURCHASED FROM THE OFFICERS' LUNCHSTAND IF THE DETAINEE HAS MONEY. THERE IS, HOWEVER, NO SPECIAL PLACE PROVIDED TO SLEEP. THE WOMEN'S DETENTION CENTER IN LIMA IS BETTER IN THAT THERE ARE CELLS WITH BUNKS, BATHROOMS, ETC, BUT THIS CENTER IS OVERCROWDED AND FEMALE WARDERS ARE OFTEN CAPRICIOUS IN THEIR TREATMENT OF DETAINEES.

2. THE NATIONAL MEN'S PRISON IS GROSSLY OVERCROWDED, UNDER-EQUIPPED, AND UNDERBUDGETED. THE DIRECTOR AND HIS STAFF ACKNOWLEDGE THAT CONDITIONS ARE FAR FROM IDEAL AND THAT THE DIET PROVIDED BY THE PRISON IS INADEQUATE. AMERICAN PRISONERS WHO HAVE FUNDS MAKE ARRANGEMENTS TO SUPPLEMENT THEIR DIETS BY BUYING FRUIT, MEAT AND VEGETABLES FROM VENDORS UNCLASSIFIED

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WHO ARE ALLOWED TO BRING FOOD TO THE PRISON TO SELL TO  
INMATES WHO DO NOT HAVE FAMILIES OR FRIENDS TO PROVIDE

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THIS SERVICE FOR THEM.

3. THERE HAVE BEEN COMMON COMPLAINTS BY THE PRISONERS OF  
ROUGH HANDLING AND--ESPECIALLY DURING OCCASIONAL ATTEMPTED PRISON  
BREAKS BY OTHER INMATES--OF MORE SERIOUS BEATING BY PRISON  
GUARDS. CONSULAR OFFICERS ALWAYS TAKE UP SUCH COMPLAINTS  
PROMPTLY WITH SENIOR PRISON AUTHORITIES, WHO HAVE DEPLORED  
THE USE OF VIOLENCE AS A MEANS OF CONTROLLING PRISONERS BUT  
ADMIT THAT IT DOES OCCASIONALLY OCCUR, AT THE LEVEL OF INDIVIDUAL  
GUARDS. THE STATE DEPARTMENT REGIONAL MEDICAL ADVISOR, WHO  
VISITED THE MEN'S PRISON EARLIER THIS YEAR TO EXAMINE PRISONERS  
REQUIRING MEDICAL ADVICE, FOUND THAT THE MEN HE EXAMINED SHOWED  
NO SIGNS OF PHYSICAL MALTREATMENT AND NO APPARENT MALNUTRITION.  
THE CONSULAR OFFICER WHO VISITED THE PRISON THE DAY FOLLOWING  
ONE REPORTED BEATING DID, HOWEVER, VERIFY THAT THE THREE  
AMERICAN PRISONERS INVOLVED BORE CUTS AND BRUISES. EVEN IN  
THIS INSTANCE, THE THREE WERE PARTIALLY PROTECTED, BY THEIR  
OWN ADMISSION, BY SOME OF THE GUARDS FROM THE FULL BRUNT OF  
THE SYSTEMATIC BEATING ADMINISTERED TO OTHER INMATES OF THE  
CELLBLOCK WHERE THEY WERE DETAINED. A JAIL BREAK HAD JUST  
BEEN ATTEMPTED FROM AN ADJOINING CELLBLOCK. IN GENERAL,  
AMERICAN PRISONERS HAVE A FAVORABLE REPUTATION FOR NONVIOLENCE  
AMONG PRISON OFFICIALS AND GUARDS, AND THIS REPUTATION TENDS  
TO ASSURE THEM PREFERENTIAL TREATMENT.

4. MEDICAL CARE PROVIDED BY THE PRISON IS RUDIMENTARY  
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AT BEST. PRISONERS NOT YET TRIED AND CONVICTED MUST THEMSELVES PAY FOR CONSULTATIONS WITH OTHER THAN PRISON PHYSICIANS AND FOR MEDICINES. DURING HIS VISIT, THE STATE DEPARTMENT REGIONAL MEDICAL ADVISOR INSPECTED THE PRISON INFIRMARY. HE FOUND IT BADLY UNDEREQUIPPED BUT CLEANER THAN EXPECTED.

5. THE NATIONAL WOMEN'S PRISON IS THE CLOSEST IN PERU TO BEING A MODEL. IT IS SMALL, WELL RUN, HAS A MORE OR LESS ADEQUATE INFIRMARY AND SUCH AMENITIES AS A BEAUTY PARLOR. HERE TOO, HOWEVER, THE BUDGET IS NOT ADEQUATE TO PROVIDE A PROPERLY BALANCED DIET AND THE ONE AMERICAN PRISONER CURRENTLY IN THE WOMEN'S PRISON SUPPLEMENTS HER DIET BY PURCHASING FOOD AND BY GIFTS FROM HER PERUVIAN HUSBAND.

C. EMBASSY EFFORTS TO ASSIST PRISONERS

1. A CONSULAR OFFICER VISITS PRISONERS IN PRELIMINARY DETENTION ON AN AVERAGE OF ONCE A WEEK AND PRISONERS TRANSFERRED TO THE NATIONAL PRISONS NOT LESS THAN ONCE EVERY FOUR WEEKS, OFTENER WHEN REQUIRED FOR THE WELFARE OF THE GROUP OR INDIVIDUALS. IN ADDITION, A PERUVIAN ATTORNEY EMPLOYED IN THE CONSULAR SECTION VISITS THE PRISONS ONCE EVERY TWO WEEKS. THESE MEMBERS OF THE CONSULAR SECTION STAFF TAKE MAIL, VITAMIN SUPPLEMENTS, PRESCRIPTION MEDICINES, MONEY FROM TRUST FUND DEPOSITS WITH THE EMBASSY, MAGAZINES, BOOK DONATIONS AND OCCASIONAL GIFTS OF FOOD ITEMS. THEY LISTEN TO COMPLAINTS, WHICH ARE TAKEN UP WITH THE PRISON ADMINISTRATION. THEY ALSO COMMENT UPON THE PROGRESS OF PRISONER'S CASES, WHICH THEY MONITOR BETWEEN VISITS. IT IS A MAJOR FUNCTION OF THE CONSULAR SECTION ATTORNEY  
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TO MONITOR PRISONERS' CASES AND THE PRIMARY REASON FOR HIS BIWEEKLY VISITS IS TO KEEP THEM INFORMED OF DEVELOPMENTS AND TO ACT AS LIAISON BETWEEN THEM AND THEIR ATTORNEYS.

2. WITH REGARD TO HEALTH CARE, BESIDES OBTAINING PRESCRIPTION DRUGS FOR PRISONERS, THE EMBASSY HAS

RECENTLY PUT THE DIRECTION OF PENAL ESTABLISHMENTS IN CONTACT WITH A PRIVATE CHARITABLE ORGANIZATION IN THE UNITED STATES WHICH IS DONATING EQUIPMENT AND SUPPLIES FOR THE PRISON INFIRMARY, WITH THE RECIPIENT TO PAY THE COST OF PACKING AND FREIGHT. THIS ASSISTANCE HAS RESULTED IN A MORE POSITIVE ATTITUDE TOWARD AMERICAN PRISONERS FROM THE INFIRMARY STAFF AND PRISON SOCIAL WORKERS. ACCESS TO PRISON DOCTORS VIA THE SOCIAL SERVICES STAFF HAS BECOME SOMEWHAT EASIER. WHEN REQUESTED BY THE PRISONER, THE CONSULAR SECTION OBTAINS SPECIAL PERMISSION FROM THE DIRECTION OF PENAL ESTABLISHMENTS FOR A PRIVATE PHYSICIAN TO VISIT HIM.

3. A REQUEST BY THE EMBASSY, ON BEHALF OF THE PRISONERS, TO PERMIT THEM TO MAKE LONG-DISTANCE COLLECT CALLS TO THEIR FAMILIES IN THE U.S. IS PENDING WITH THE DIRECTION OF PENAL ESTABLISHMENTS.

#### D. COMMENTS

1. COMMENTS ON EMBASSY PROGRAMS AND ACTIVITIES ON BEHALF OF PRISONERS IN PERU ARE PROVIDED ABOVE. MENTION SHOULD ALSO BE MADE OF FORMER AMBASSADOR DEAN'S VISIT TO THE MEN'S PRISON EARLY THIS YEAR TO MEET WITH THE PRISONERS AND WITH PRISON AUTHORITIES, FREQUENT REPRESENTATIONS BY VARIOUS EMBASSY OFFICERS ON THE GENERAL TOPIC OF HUMAN RIGHTS, MRS. CARTER'S REQUEST TO THE GOP DURING HER VISIT LAST JUNE THAT AMERICAN PRISONER CASES BE EXPEDITED, AND THE EMBASSY'S GENERAL UNCLASSIFIED

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ENCOURAGEMENT OF JUDICIAL REFORM. WE ARE SECURING BOOKS ON THIS SUBJECT THROUGH USIS FOR THE PRESIDENT OF THE SUPREME COURT; WE HAVE JUST NOMINATED ONE SUPREME COURT JUSTICE FOR A MULTIREGIONAL PROGRAM SPONSORED BY CU ON THE SUBJECT OF CURRENT ISSUES IN THE ADMINISTRATION OF JUSTICE, AND WE HAVE ALSO NOMINATED A SUPERIOR COURT JUDGE FOR A VOLUNTARY VISITORS PROGRAM IN THE U.S. WITH EMPHASIS ON JUDICIAL PROGRAM IN THE U.S. WITH EMPHASIS ON JUDICIAL REFORM AND HUMAN RIGHTS. IT MAY ALSO BE NOTED THAT THE INTER-MERICAN FOUNDATION IS DEVELOPING A PROGRAM IN PERU IN THE FIELD OF MODERN JUDICIAL THOUGHT AND PRACTICES.

2. THE CREATION OF A NEW POSITION FOR A PERUVIAN ATTORNEY IN THE CONSULAR SECTION TO WORK ALMOST FULL-TIME ON PRISONER AFFAIRS IS ALSO NOTEWORTHY AND HAS BEEN HELPFUL TO PRISONERS' INTERESTS.

PART II -- RESUME OF EXISTING ARREST CASES

I. A. ABRAHAM, ROBERT LEONARD, 29, CALIFORNIA  
B. 2/19/76, EXACT LOCATION UNKNOWN.  
C. POSSESSION AND TRAFFICKING IN COCAINE.  
D. 2 KILOS COCAINE, FOUND IN SURFBOARD BELONGING  
TO ABRAHAM.  
E. NOT GIVEN IN FILE.  
F. SEEN REGULARLY BY CONSULAR OFFICER AND CONSULAR  
SECTION ATTORNEY; LAST VISIT 7/14/77.  
G. ABRAHAM APPEALED 3-YEAR SENTENCE; SUPREME COURT  
ON 4/25/77 RAISED SENTENCE TO 4 YEARS.  
H. NONE GIVEN; NO NOTIFICATION DESIRED.  
I. NONE  
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J ABRAHAM TAKING PART IN PRISON WORK PROGRAM  
WHICH CUTS ONE DAY OFF SENTENCE FOR EACH TWO  
DAYS WORKED.

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2. BLACK, JOHN, 25, ALASKA.  
B. 3/18/76, BOLIVAR HOTEL, LIMA.  
C. ACCOMPLICE IN AN ATTEMPT TO COMMIT A CRIME,  
THAT OF TRAFFICKING IN NARCOTICS; AND  
POSSESSION OF UNDECLARED AMOUNTS OF FOREIGN  
CURRENCY, A FELONY OFFENSE IN PERU.  
D. 16,000 US DOLLARS WHICH HAD NOT BEEN DECLARED.  
E. 3/18/76.

F. SEEN REGULARLY BY CONSULAR OFFICER AND  
CONSULAR SECTION ATTORNEY; LAST VISIT 7/14/77.  
G. PRELIMINARY INVESTIGATION COMPLETED; AWAITING  
TRIAL.  
H. YES, FOR AN INTERESTED PARTY.  
I. IN LETTER TO CONGRESSMAN YOUNG DATED 3/4/77  
BLACK ALLEGED THAT DURING INITIAL INTERROGATION  
HE WAS PUNCHED AND KICKED. DURING INITIAL  
VISIT BY CONSULAR OFFICER BLACK MADE NO SUCH  
ALLEGATION.  
J. TRIAL DATE SET FOR AUGUST 16.

3. A. CHANNELS, WALTER DAVID, 30, CALIFORNIA.  
B. 5/28/77, LIMA  
C. TRAFFICKING IN COCAINE.  
D. CHANNELS WAS STAYING IN HOUSE WHERE COCAINE  
PROCESSING EQUIPMENT FOUND DURING POLICE SEARCH.  
E. 5/29/77.  
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F. SEEN REGULARLY BY CONSULAR OFFICER AND  
CONSULAR SECTION ATTORNEY; LAST VISIT 7/11/77.  
H. YES, FOR ALL INTERESTED PARTIES.  
I. WHEN VISITED ON 6/1/77 CHANNELS ALLEGED THAT  
HE HAD BEEN TORTURED BY PIP INVESTIGATOR.  
HE HAD LIGHTLY BRUISED KNEE CAP AND CLAIMED  
NUMBNESS IN ARMS AND HANDS. REPRESENTATION  
BY CONSULAR OFFICER LED TO DISCIPLINARY  
MEASURES BEING TAKEN AGAINST PIP PERSONNEL  
INVOLVED AND TO CHANGE OF PERSONNEL IN  
NARCOTICS DIVISION OF PIP. NO FURTHER  
INDICATIONS OF MISTREATMENT.  
J. TWO SISTERS ALSO ARRESTED, RELEASED, REARRESTED  
AND WHEN RELEASED AGAIN FLED PERU.

4. A. CONKLIN, DONALD WARREN, 49, CALIFORNIA.  
B. 2/9/75, LIMA  
C. TRAFFICKING IN NARCOTICS.  
D. 600 GRAMS OF MARIJUANA HIDDEN IN HIS CAR.  
E. NOT STATED IN FILE.  
F. SEEN REGULARLY BY CONSULAR OFFICER AND  
CONSULAR SECTION ATTORNEY; LAST VISIT  
7/14/77.  
G. ORIGINAL TWO-YEAR SENTENCE, BUT CASE  
RETURNED BY SUPREME COURT TO LOWER COURT FOR  
RETRIAL, WHICH TOOK PLACE IN SUMMARY REVIEW  
PROCEEDING JULY 22, 1977. ORIGINAL SENTENCE  
CONFIRMED BUT CONKLIN IS NOT FREE TO LEAVE  
PERU PENDING REVIEW OF LATEST VERDICT BY  
SUPREME COURT, EXPECTED BEFORE END AUGUST.



H. YES, FOR MEMBERS OF FAMILY EARL CONKLIN,  
KIRBY CONKLIN AND EVE CONKLIN, AND FOR  
SENATORS HAYAKAWA AND CRANSTON.  
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I. CONKLIN HAS ALLEGED THAT CONTINUED DETENTION  
IS IN ITSELF MISTREATMENT UNDER GENERAL PRISON  
CONDITIONS IN PERU.

J. THERE IS SOME EVIDENCE TO SUPPORT CONKLIN'S  
CONTENTION THAT HIS INVOLVEMENT WITH COCAINE  
TRAFFICKING RING WAS THROUGH SIMPLE ACQUAINT-  
ANCESHIP AND NOT A MATTER OF TRAFFICKING.  
HE WAS, HOWEVER, IN POSSESSION OF SUBSTANTIAL  
QUANTITY OF MARIJUANA. APPROXIMATELY HALF  
OF CONKLIN'S PERSONAL POSSESSIONS HAVE  
DISAPPEARED FROM HOTEL WHERE LEFT FOR PAYMENT  
OF BILL, AND HIS VEHICLE WAS CONFISCATED  
BY GOP. SINCE THEY HAVE COMPLETED  
THEIR SENTENCES, AMB REQUESTED INCLUSION OF CONKLIN  
AND ROBERT WARNER (SEE SEP SUMMARY) ON THIS YEAR'S  
INDEPENDENCE DAY AMNESTY LIST.

5. A. DEGENDORF, KURT, 28, TEXAS.

B. 5/5/77, CHOSICA, PERU

C. POSSESSION AND TRAFFICKING OF COCAINE.

D. 284 GRAMS CHLOROHYDRATE OF COCAINE FOUND  
ON PERSON AND UNDER SEAD OF VEHICLE HE WAS  
DRIVING.

E. 5/9/77.

F. VISITE DON AVERAGE ONCE A WEEK BY CONSULAR  
STAFF.

G. PENDING EXPULSION.

H. YES, FOR PARENTS ROBERT AND DOROTHY DEGGENDORF  
(ONLY CERTAIN MESSAGES THAT DEGGENDORF  
WISHES PASSED TO THEM).

I. DEGGENDORF ALLEGES HE WAS BEATEN IN ATTEMPT  
TO ESTORT MONEY FROM WIFE'S FAMILY, WHICH IS  
PERUVIAN. HE STATED THAT HE WAS TWICE  
KICKED UNDER CHIN AND BEATEN AROUND SHOULDERS  
WITH CANE OR BATON, AS WELL AS BEING REPEATEDLY  
SLAPPED ACROSS FACE. NONE OF THIS LEFT ANY  
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VISIBLE CONTUSIONS. CONOFF UNDERSTOOD THAT DEGGENDORF  
PREFERRED SHE MAKE NO REPRESENTATIONS  
FOR FEAR OF REPRISAL, AND INCIDENT WAS NOT

REPEATED. HE COMMENTED THAT AMERICAN PRISONERS RECEIVED LESS PHYSICAL PUNISHMENT THAN PERUVIANS. J. KURT DEGGENDORF AND BROTHER, MARK, ARE PENDING REVIEW BY UPPER COURT OF LOWER COURT DECISION TO DISMISS CASES AS ONES OF CONSUMERS AND NOT TRAFFICKERS.

6. A. DEGGENDORF, MARK DONALD, 27, CALIFORNIA.  
B. 5/5/77, CHOSICA, PERU  
C. CONSPIRACY TO TRAFFIC IN COCAINE.  
D. SUBJECT WAS ARRESTED AT SAME TIME AS BROTHER KURT DEGGENDORF; 284 GRAMS OF CHLOROHYDRATE OF COCAINE FOUND ON KURT AND UNDER SEAT OF VEHICLE BROTHERS WERE IN AT TIME OF ARREST.  
E. 5/9/77.  
F. VISITED ON OVERAGE ONCE A WEEK BY CONSULAR STAFF.  
G. PENDING EXPULSION.  
H. YES, FOR FRIENDS CONNNIE MCBRIDE AND JOE SCOTT; NOT FOR NOK, MEMBERS OF CONGRESS OR OTHER PARTIES.  
I. DEGGENDORF TOLD CONSULAR OFFICER THAT DURING INTERROGATION HE WAS TWICE PUNCHES IN STOMACH AND WAS REPEATEDLY SLAPPED. THIS DID NOT LEAVE ANY VISIBLE CONTUSIONS. SEE SECTION I FOR BROTHER, KURT DEGGENDORF, RE THIS SUBJECT.  
J. SEE ABOVE REMARKS ON BROTHER, KURT. MARK WAS NOT WITH KURT AT TIME OF ARREST AND MAINTAINS HIS COMPLETE INNOCENCE.

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7. A. FARAH, JOHN WILLIAM, 22, OREGON.  
B. 1/15/77, AIRPORT LIMA.  
C. TRAFFICKING IN COCAINE.

D. TWO ONE-HALF KILO BAGS OF COCAINE STRAPPED TO CHEST.

E. 1/17/77.

F. SEEN REGULARLY BY CONSULAR OFFICER AND CONSULAR SECTION ATTORNEY; LAST VISIT 7/14/77.

G. PRELIMINARY INVESTIGATION STAGE BY JUDICIARY.

H. YES, FOR PARENTS AND "ANY OF MY FRIENDS FROM OREGON".

I. IN LATE MARCH 1977, FARAH CLAIMED ON TWO OCCASIONS TO HAVE BEEN BEATEN BY GUARDS DURING BEATINGS ADMINISTERED TO ALL INHABITANTS OF CELLBLOCK WHERE HE WAS CONFINED. THE FIRST BEATING TOOK PLACE DURING ATTEMPTED PRISON BREAK FROM ADJOINING CELLBLOCK AND SECOND DURING SHAKEDOWN FOR WEAPONS. FARAH WAS AT THAT TIME CONFINED TO ISOLATION BLOCK BECAUSE, ACCORDING TO PRISON DIRECTOR, HE HAD MARIJUANA IN HIS POSSESSION DURING SHAKEDOWN OF REGULAR CELLBLOCK. ON MARCH 21, CONSULAR OFFICER SAW BRUISES ACROSS SHOULDERS AND BACK, AND FARAH COMPLAINED OF PAINFUL ELBOW. WHILE PRISON DIRECTOR DEPLORED USE OF VIOLENCE DURING VERBAL PROTESTS BY CONSULAR OFFICER, HE TACITLY ADMITTED THAT IT DOES SOMETIMES OCCUR. SINCE MARCH INCIDENTS, FARAH HAS BEEN MOVED FIRST TO OTHER CELLBLOCK AND THEN, BACK TO ORIGINAL BLOCK TO REJOIN OTHER UNCLASSIFIED

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AMERICANS AT HIS REQUEST. NO FURTHER ALLEGATIONS OF MISTREATMENT HAVE BEEN LODGED. SEE ALSO SECTION I. JAMES HOOKER AND ROBERT WARNER.

J. FARAH COMPLAINS OF STOMACH AND ABDOMINAL AILMENTS AT TIMES OF STRESS AND THEN SAYS HE IS "JUST FINE" AT OTHERS. PERSONAL OBSERVATION SINCE INITIAL ARREST LEADS CONOFF TO BELIEVE THAT STOMACH AILMENTS ARE PARTIALLY REFLECTION OF NERVOUS STRESS.

8. A. HAAS, KAREN, 25, MICHIGAN.

B. AUGUST 29, 1975, HOTEL CRILLON, LIMA; REDETAINED JUNE 1, 1977 IN FRONT OF EMBASSY, LIMA.

C. TRAFFICKING IN NARCOTICS, COCAINE.

D. 1 KILOGRAM, DISSOLVED IN BOTTLE ALCOHOLIC BEVERAGE AND OTHER FORMS.

E. SEPTEMBER 16, 1975, FIRST ARREST; JUNE 7, 1977, SECOND ARREST.

F. VARYING INTERVALS OF ONE TO FOUR WEEKS; LAST VISIT JULY 21, 1977.

G. HAAS CASE WAS TRIED, SENT TO SUPREME COURT, RETURNED TO LOWER COURT FOR RETRIAL AND CONSIDERED IN SUMMARY REVIEW SESSION JULY 22. RETRIAL COURT CONFIRMED ORIGINAL GUILTY VERDICT AND SENTENCE OF THREE YEARS. IT REFUSED SUPERVISED LIBERTY, NOTING THAT HAAS BECAUSE OF EVASION OF CUSTODY HAS SERVED LESS THAN 10 MONTHS OF THREE YEARS SEN-

TENCE.

H. WILLIAM L. HARRIS, DETROIT, MICHIGAN, RELATIONSHIP UNSPECIFIED, MRS. ELVERA TYLER, MOTHER.

I. NONE, SEE REMARKS, HOWEVER.

J. HAAS FILE CONTAINS EVIDENCE OF ATTEMPTED SUICIDE AND ALLEGATIONS OF EXTREME PHYSICAL AND MENTAL ILLNESS. MUCH OF THIS BEHAVIOR, HOWEVER, WAS APPARENTLY INSTIGATED BY FIRST PERUVIAN ATTORNEY HAAS HIRED IN 1975, UNCLASSIFIED

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ACCORDING TO LETTER FROM MOTHER. HAAS BEHAVIOR DURING LATEST DETENTION HAS BEEN MORE REASONABLE. ACCORDING TO POLICE SOURCES, PRIOR TO RE-ARREST, SHE BUILT UP COMPLETELY FALSE IDENTIFY AS PERUVIAN UNDER NAME IF MARIA MONICA VISCONTI-OLAVIDES. SHE CLAIMS MARRIAGE TO PERUVIAN, CESAR AGOSTO ASPAUSA.

9. A. HOOKER, JAMES, 30, WASHINGTON.

B. 1/6/76, CALLAO, PERU

C. SUSPICION OF TRAFFICKING IN COCAINE AND POSSESSION OF UNDECLARED AMOUNTS OF FOREIGN CURRENCY.

D. 4 GRAMS OF CHLOROHYDRATE OF COCAINE AND \$5000 WHICH HAD NOT BEEN DECLARED.

E. NOT SHOWN IN FILE.

F. SEEN REGULARLY BY CONSULAR OFFICER AND CONSULAR SECTION ATTORNEY; LAST VISIT 7/14/77.

G. PRELIMINARY INVESTIGATION STAGE BY JUDICIARY.

H. NOE ON FILE; HOOKER WILL BE APPROACHED AGAIN ON THIS POINT AT TIME OF NEXT CONSULAR VISIT.

I. ALLEGATIONS OF MISTREATMENT ARE TWO BEATINGS IN LATE MARCH 1977 MENTIONED IN RESUME OF JOHN WILLIAM FARAH (7I). BEATINGS WERE PROTESTED TO SENIOR PRISON AUTHORITIES AS SOON AS WORD OF THEM WAS RECEIVED. HOOKER WAS THEN IN SAME CELLBLOCK AS FARAH. HE TOO HAS SUBSEQUENTLY BEEN MOVED TO OTHER CELLBLOCK.

DURING SHAKEDOWN, HOOKER TOO WAS FOUND TO HAVE MARIJUANA IN HIS POSSESSION.

J. HOOKE RECENTLY RECOMMENDED FOR ONE-YEAR SENTENCE BY PROSECUTOR IN CASE. HE HAS NOT YET BEEN TRIED.

10. A. KUPPERMAN, RONALD IRWIN, 32, CALIFORNIA.

B. 6/30/77, AIRPORT, LIMA

C. TRAFFICKING IN COCAINE.

D. 150 GRAMS OF COCAINE FOUND PACKED IN SHOES.

E. 7/1/77.

F. 7/8/77.

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G. POLICE INVESTIGATIVE STAGE (PIP).  
H. YES, FOR FATHER ABNER KUPPERMAN, GIRL FRIEND  
ILENE SAKS, AND MEMBERS OF CONGRESS.  
I. KUPPERMAN ALLEGED THAT HE HAD BEEN BEATEN WITH  
HANDS AND KICKED. AT TIME OF 7/1 VISIT ONLY VISIBLE MARKS  
WERE 3 ROUND REDDISH SPOTS ON UPPER BACK WHICH IF BRUISES  
HAD NOT YET BEGUN TO DISCOLOR. KUPPERMAN INDICATED HE DID  
NOT WISH POLICE OFFICERS APPROACHED WITH PROTEST AT  
THAT TIME. NO FURTHER MENTION OF KUPPERMAN AT TIME OF 7/8  
VISIT.  
J. WAS TO BE TRANSFERRED WEEK OF JULY 18 TO REGULAR  
PRISON FACILITY FROM NARCOTICS DIVISION, PERUVIAN INVESTIAGIONS  
POLICE. WILL BE SEEN AGAIN BY CONSULAR SECTION ATTORNEY  
WEEK OF JULY 25.

11. A. MARRON, JAMES A., 48, CALIFORNIA  
B. 4/30/77, AIRPORT, LIMA.  
C. TRAFFICKING IN COCAINE.  
D. TWO KILOS OF CHLOROHYDRATE OF COCAINE FOUND IN  
POLAROID FILM PACKS BELONGING TO MARRON.  
E. 5/2/77.  
F. SEEN AT WEEKLY OR OFTENER INTERVALS DURING DE-  
TENTION BY POLICE; SEEN AT 2-WEEK INTERNALS AT PRISON,  
LAST VISIT 7/14.  
G. PRELIMINARY INVESTIGATION STAGE BY JUDICIARY; THE  
POSSIBILITY OF A DIMINISHED RESPONSIBILITY PLEA MAY BE ENTER-  
TAINED UPON SUBMISSION IN PROPER FORM OF MEDICAL RECORDS FROM  
U.S.  
H. YES, FOR MEMBERS OF IMMEDIATE FAMILY, MEMBERS OF  
CONGRESS, FRIEND MS. SAUNDERS, AND DR. JAMES WONG.  
I. NONE.  
J. ACCORDING TO MEDICAL RECORD RECENTLY RECEIVED  
FROM DR. JAMES WONG, MARRON IS SCHIZOPHRENIC. HE IS  
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FM AMEMBASSY LIMA

TO SECSTATE WASHDC PRIORITY 5937

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UNDER PSYCHIATRIC SUPERVISION AT PRISON. CONSULAR OFFICERS AND STAFF MADE SPECIAL EFFORT TO CLEAR WIFE, CAROL MARRON, AND INSURE HER EXPEDITIOUS RETURN TO U.S. SHE LATER DIED OF NATURAL CAUSES AT AGE 60 AFTER HER RETURN TO U.S. COPIES OF U.S. PSYCHIATRIC REPORTS HAVE BEEN FURNISHED MARRON'S LAWYERS.

12. A. PASIECKI, WILLIAM VINCENT, 60, FLORIDA.

B. 6/18/77, TALARA, PERU.

C. TRAFFICKING IN COCAINE.

D. 130 KILOS OF BASIC PASTE OF COCAINE;

3-4 KILOS OF CHLOROHYDRATE OF COCAINE.

E. 7/1/77.

F. 7/9/77.

G. PRELIMINARY INVESTIGATION STAGE BY JUDICIARY.

H. TO DATE HAS NOT SIGNED PRIVACY ACT AUTHORIZATION.

I. AT TIME OF 7/19 VISIT PASIECKI CLAIMED THAT

SINCE DATE OF PREVIOUS VISIT HE HAD BEEN BEATEN 3 TIMES

AND THAT WIFE HAD BEEN PISTOLWHIPPED IN FRONT OF HIM AND

SEPARATELY TORTURED BY ELECTROSHOCK. SEPARATE QUESTIONING

OF MRS. PASIECKI BY CONSULAR REPRESENTATIVE BROUGHT STATE-

MENT FROM HER THAT SHE HAD NOT BEEN MISTREATED OR TORTURED.

SHE INDICATED ONLY SOME SHOVING WHEN SHE OBJECTED TO HAVING

PICTURE TAKEN WITH PORTABLE GAS TANKS INVOLVED IN CRIME.

ON 7/19 THERE WERE NO VISIBLE MARKS ON PASIECKI AND HE

MOVED EASILY.

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J. PASIECKI FREELY ADMITS GUILT. PASIECKI CLAIMS

THREE YOUNG CHILDREN BY PRESENT WIFE ARE ALL AMERICAN

CITIZENS. YOUNGEST BORN IN U.S.; OLDER TWO BORN IN PERU.

EMBASSY FILES INDICATE THAT PASIECKI WAS NOT MARRIED TO

MOTHER AS LATE AS 1975.

13. A. PEARSON, JOHN EDWARD, 27, FLORIDA.

B. 9/20/76, LIMA.

C. POSSESSION OF COCAINE.

D. UNKNOWN QUANTITY.

E. 9/28/76.

F. SEEN REGULARLY BY CONSULAR OFFICER AND

CONSULAR SECTION ATTORNEY; LAST VISIT 7/14/77.

G. PRELIMINARY INVESTIGATION STAGE BY JUDICIARY.

H. ON FILE AN AUTHORIZATION DATED 12/1/76 GIVING  
CONSENT TO RELEASE INFO TO FATHER HAROLD PEARSON AND SUCH  
PERSONS AS HE MAY DESIGNATE AND TO CONGRESSMAN J. HERBERT  
BURKE.

I. NONE.

J. PEARSON HAS SO FAR BEEN UNABLE TO SETTLE ON ONE  
LAWYER. TRIAL DATE NOT YET SET. SEE SEPTELS RE PEARSON'S  
HEALTH AND WELFARE.

14. A. ROPPER, MARK ANTHONY, 24, UNKNOWN.

B. 5/10/76, CUZCO, PERU.

C. POSSESSION OF MARIJUANA.

D. UNKNOWN.

E. CONSULAR OFFICER DID NOT VISIT.

F. N/A

G. ACCORDING TO OTHER AMCIT ARRESTED AT SAME TIME,  
ROPPER RECEIVED SENTENCE OF EXPULSION AND FINE OF 3000  
SOLES FOR POSSESSION OF MARIJUANA. HE WAS RELEASED BUT  
HAS ELECTED TO REMAIN IN CUZCO AREA IN HOPE THAT HE WILL NOT  
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BE EXPELLED FROM PERU.

H. NONE GIVEN.

I. UNKNOWN.

J. IT IS UNKNOWN WHETHER ROPPER IS STILL IN PERU.  
HE APPEARED IN RECENT ISSUE OF GENTE, NATIONAL NEWSMAGAZINE.  
AS TYPICAL OF HIPPIES IN PERU.

15. A. SMITH, ROBERT LEE, 23, CALIFORNIA.

B. AUGUST 12, 1976, LIMA, PERU

C. SUSPICION OF TRAFFICKING IN COCAINE.

D. NONE FOUND; HOWEVER, SMITH IN POSSESSION QUANTITY  
OF BORIC ACID WHICH POLICE CLAIM WAS BOUGHT IN ERROR IN  
ATTEMPT TO BUY COCAINE.

E. AUGUST 16, 1976.

F. APPEARS AT CONSULAR SECTION AVERAGE OF 3 TIMES  
PER WEEK.

G. FREE ON SUPERVISED LIBERTY PENDING UPPER COURT  
REVIEWS OF VERDICT OF INSUFFICIENT EVIDENCE BY INVESTIGATING  
JUDGE.

H. CAROL SMITH, MOTHER; GEORGE S. SMITH, FATHER;  
JEFF STEINBORN, SEATTLE, WASHINGTON, ATTORNEY; ANY  
OTHER INTERESTED PARTIES.

I. SMITH ALLEGED AT SOME TIME SUBSEQUENT TO  
INITIAL ARREST THAT HE HAD BEEN MISTREATED AT INITIAL  
ARREST. HOWEVER, ARREST REPORT SHOWS NO EVIDENCE OF  
ALLEGATION OF MISTREATMENT AT THAT TIME.

J. THE FILE REFLECTS FREQUENT VERBAL AND WRITTEN

ATTACKS ON CONSULAR SECTION PERSONNEL FOR INADEQUATE PERFORMANCES AND, IN ONE INSTANCE, AN ATTEMPTED PHYSICAL ATTACK ON CONSULAR SECTION ATTORNEY WHICH WAS FRUSTRATED BY OTHER AMERICAN PRISONERS.

16. A. THOMASON, JAMES EDGAR, 29, CALIFORNIA.  
B. JULY 5, 1975, GRANJA AZUL INN, OUTSIDE OF LIMA, PERU.  
C. TRAFFICKING IN CHLORHYDRATE OF COCAINE.  
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D. IN POSSESSION 10 KILOGRAMS.  
E. JULY 10, 1975.  
F. REGULAR CONSULAR SECTION VISITING SCHEDULE. AVERAGING EVERY TEN DAYS SINCE THOMASON MOVED FROM MEN'S PRISON TO DETENTION IN LIMA JAILS.  
G. THOMASON, ALONG WITH TWO OTHER AMERICANS ARRESTED IN SAME CASE, RECEIVED NOT GUILTY VERDICT ON FEBRUARY 17, 1977. ALL WERE ORDERED HELD PENDING THE SUPREME COURT REVIEW OF THEIR CASES. AMBASSADOR DEAN WROTE TO MINISTER OF INTERIOR INQUIRING AS TO LEGAL BASIS FOR DETENTION, TO WHICH NO REPLY HAS BEEN RECEIVED TO DATE, DESPITE EMBASSY'S FOLLOW-UP. SUPREME COURT HAS NOW SENT CASE BACK TO LOWEST COURT LEVEL FOR RE-INVESTIGATION AND AMPLIFICATION. MEANWHILE, THE OTHER TWO AMERICAN DEFENDANTS ESCAPED FROM LIMA JAIL WHERE THERE WERE BEING HELD AND THEIR PRESENT WHEREABOUTS ARE UNKNOWN.  
H. MEMBERS OF IMMEDIATE FAMILY, MEMBERS OF CONGRESS AND ANY OTHER INTERESTED PARTY.  
I. NONE ALLEGED IN PRELIMINARY ARREST REPORT. THOMASON, LIKE OTHERS, CONSIDERS PRISON AND JAIL CONDITIONS IN PERU A FORM OF MISTREATMENT.  
J. NONE.

17. A. WARNER, ROBERT W., AKA SCIORSCI, EDWARD F. 36, CALIFORNIA.  
B. FEBRUARY 9, 1975, LIMA, PERU  
C. TRAFFICKING IN NARCOTICS.  
D. NOT STATED IN FILE.  
E. PRESUMABLY 2/12/75, SINCE THAT IS DATE OF ARREST REPORT.  
F. VARIOUS. REGULAR VISITS DURING DETENTION IN MEN'S PRISON AVERAGED EVERY 10 DAYS. SINCE MOVED TO FOREIGNER'S SECTION OF PIP.  
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G. THIS CASE, LIKE CONKLIN'S, HAS BEEN TO THE  
SUPREME COURT, AND NOW BACK TO THE SUPERIOR COURT FOR  
RETRIAL, WHICH TOOK PLACE ON JULY 22, 1977. WARNER'S  
SENTENCE OF TWO YEARS WAS CONFIRMED. AND SINCE HE HAS  
SERVED MORE THAN TWO YEARS, SUPERVISED LIBERTY WAS  
ORDERED, BUT HE IS NOT FREE TO LEAVE PERU PENDING  
SUPREME COURT REVIEW OF THIS LATEST VERDICT.

H. MRS. RICHARD STENTA, SISTER.

I. NO ALLEGATIONS OF MISTREATMENT APPEAR IN  
FILE UPON FIRST ARREST. THERE ARE, HOWEVER, NUMEROUS  
ALLEGATIONS IN LATER PORTIONS OF FILE REGARDING MISTREAT-  
MENT AT TIME OF ARREST INCLUDING BEATING, ELECTROSHOCK, HANGING BY  
ARMS, ETC.

J. AMNESTY HAS BEEN REQUESTED (SEE CONKLIN SUMMARY).

18. A. WINN, CHARLES III, 28, CALIFORNIA.

B. APRIL 26, 1976, LIMA, PERU

C. TRAFFICKING IN NARCOTICS.

D. NONE. CHARGES ARE ACTUALLY THAT OF BRINGING  
INTO COUNTRY CHEMICALS USED IN REFINING OF COCAINE.

E. APRIL 30, 1976.

G. ON SUPERVISED LIBERTY PENDING JUDICIAL REVIEW  
OF INVESTIGATIVE JUDGE'S VERDICT THAT INSUFFICIENT  
EVIDENCE EXISTS FOR ARRAIGNMENT.

H. REFUSED PRIVACY ACT AUTHORIZATION.

I. NONE.

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J. WINN REFUSED TO SEE CONSULAR OFFICERS DURING  
REGULAR PRISON VISITS AND COMMENTED THAT HE WOULD  
CONTACT EMBASSY WHEN HE NEEDED HELP. SHLAUDEMAM

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